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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/633,714

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01/25/2005

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EXAMINER

TWEEL JR, JOHN ALEXANDER

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,714

Applicant(s)

CAPURSO ET AL.

Examiner

John A. Tweel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-23 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/4/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by **Wilkes et al** [U.S. 6,622,410].

For claim 1, the shelf talker taught by **Wilkes** includes the following claimed subject matter, as noted, 1) the claimed backplane is met by the backing (No. 59) including the electrical conductors (No. C), 2) the claimed plurality of single character display chips is met by the LCD display (No. 60) having a plurality of single character display chips in electrical contact with the electrical conductors through pickup coils (No. 54), and 3) the claimed graphic overlay is met by the front of the display body (No. 11) having an overlay (No. 57) located over the backplane bearing the longer term information and having an aperture for displaying the short term information displayed by the LCD display.

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For claim 2, the LCD seen in Figure 3 of **Wilkes** is seen to display numbers, a dollar sign, a cent sign, a “per” sign, and decimal point.

For claim 4, one piece of information seen in Figure 3 of **Wilkes** is a UPC code.

For claim 5, another piece of information seen in Figure 3 is a product description.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wilkes et al** in view of **Brick et al** [U.S. 6,269,342].

For claim 3, the shelf talker of **Wilkes** includes the claimed subject matter as discussed in the rejection of claim 1 above. However, there is no mention of mounting the display using a conductive adhesive.

Using conductive adhesives in shelf display systems is not new in the prior art. The programmable shelf tag system taught by **Brick** includes one embodiment seen in Figure 4 using a conductive adhesive (No. 62) placed along a back plate (No. 18) for a shelf tag (No. 10). This combination allows for simpler production of the shelf tag and fewer components which both add costs savings to the shelf tag.

The Brick reference pertains to similar subject matter as the primary reference; that is, a programmable shelf talker and the mounting to the shelf. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include conductive adhesive into the reference of Wilkes for the purpose of adding costs savings to the production of the shelf tag.

For claim 6, to display a unit price on a grocery or store shelf is not considered a patentable innovation as unit prices have been displayed on grocery shelves for years. This is considered an obvious variation on prior art display systems.

For claim 7, one embodiment (No. 330') of **Brick** includes a logo.

5. Claims 8-23 are allowed.

6. The following is an examiner's statement of reasons for allowance:

Merely reciting a shelf talker with a combination display chips and graphic overlay is clearly not specific enough to obviate over the prior art. However, the embodiments introduced in the remaining independent claims do recite more specific examples of the inventive properties of the application. LCD displays have been made up of display chips for many years; however, the single character display chip recited in claim 8 with its support layer, unpatterned first conductor layer, layer of bistable cholesteric liquid crystal material leaving a portion exposed for making contact, and a patterned conductor layer is not to be found in the prior art. Also, the shelf talker in conjunction with the shelf talker writer having an arrangement of electrical contacts and

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a driver for applying drive signals as well as a digital camera is not to be found in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pfeiffer et al [U.S. 5,838,286] is a module for displaying information, which is electronically controllable.

Forsythe [U.S. 5,898,383] is a self-service shopping system, which uses an electronic price label (EPL).

Goodwin, III [U.S. 6,021,395] manages displayed message priorities in an EPL system.

Stevens, III [U.S. 6,031,585] produces a wider vertical viewing angle.

Utsumi et al [U.S. 6,184,834] uses both small and large EPLs.

Forsythe et al [U.S. 6,266,905] groups EPLs in signs and promotional displays.

Kayser et al [U.S. 6,271,807] controls and updates electronic display tags.

Goodwin, III [U.S. 6,621,407] recognizes an auxiliary display attaches to an EPL.


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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